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FACSIMILE TRANSMITTAL COVER SHEET

DATE: January 28, 2005 ATTORNEY DOCKET NUMBER: KCC 4774
(K-C 15,643B)

PTO FACSIMILE NUMBER: (703) 872-9306

PLEASE DELIVER THIS FACSIMILE TO: Ginger T. Chapman

THIS FACSIMILE IS BEING SENT BY: Richard L. Bridge

NUMBER OF PAGES: 6 INCLUDING COVER SHEET

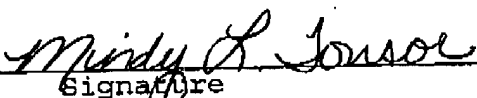
TIME SENT: 1:00pm OPERATOR'S NAME Mindy L. Tonsor

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Mindy L. Tonsor

Typed or printed name of person signing certification


SignatureJanuary 27, 2005
DateType of paper transmitted: Request for Reconsideration of the
Patent Term Adjustment Pursuant to 37
CFR §1.705

Applicant's Name: Richard L. Underhill, et al.

Serial No. (Control No.): 10/022,328 Examiner: Ginger T. Chapman

Filing Date: December 14, 2001 Art Unit: 3761

Application Title: DISPOSABLE ABSORBENT ARTICLE

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KCC 4774 (K-C 15,646E)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Richard L. Underhill, et al. Art Unit 3761
Serial No. 10/022,328
Filed December 14, 2001
Confirmation No. 4944
For DISPOSABLE ABSORBENT ARTICLE
Examiner Ginger T. Chapman

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January 28, 2005

REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT
PURSUANT TO 37 CFR §1.705

TO THE COMMISSIONER FOR PATENTS,

SIR:

In response to the Supplemental Notice of Allowance dated January 13, 2005 regarding the above-referenced application, applicants respectfully request reconsideration of the patent term adjustment (referred to herein as "PTA") calculation. Applicants hereby notify the Office that the granted PTA is believed to be longer than it should. Pursuant to 37 CFR §1.705(b), Applicants submit the following statements of facts in support of their request for reconsideration.

The Office has indicated that the application is entitled to a PTA of 395 days. (Both the Notice of Allowance dated November 30, 2004 and the Patent Term Adjustment History shown on PAIR on January 27, 2005, a printout of which is herein enclosed, indicate a PTA of 395 days.) Applicants disagree with the Office's calculation and believe that the correct PTA is 348 days.

The application was filed on December 14, 2001. The first notification (a restriction requirement) by the Office was mailed on May 3, 2004.

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This lapse in time is 444 days past the 14 months the Office has to mail a notification under 37 CFR 1.702(a)(1). Accordingly, a PTA extension of 444 days is warranted.

The original information disclosure statement ("IDS") and the First Supplemental IDS and the Second Supplemental were timely filed before the first action by the Office. Accordingly, no reduction in PTA is warranted.

The applicants timely responded to the restriction requirement on May 28, 2004. Accordingly, no reduction in PTA is warranted.

The applicants filed a Third Supplemental IDS on July 16, 2004, resulting in a PTA reduction of 49 days (the number of days between the filing of the response to the restriction requirement on May 28, 2004 and the filing of the third supplemental IDS on July 16, 2004). Applicants are in accord with this reduction.

The Office mailed a non-final rejection on August 8, 2004. Accordingly, no extension in PTA is warranted.

The applicants timely responded to the non-final rejection on September 10, 2004. Accordingly, no reduction in PTA is warranted.

The applicants filed a Fourth Supplemental IDS on October 27, 2004. This Fourth Supplemental IDS is considered a supplemental reply, and the PTA should be reduced an additional 47 days, as calculated by the number of days from the filing of the response to the non-final rejection on September 10, 2004 to the filing of the Fourth Supplemental IDS on October 27, 2004.

The Notice of Allowance was mailed November 30, 2004. Accordingly, no extension in PTA is warranted.

Applicants note that neither the Notice of Allowance, nor the Supplemental Notice of Allowance, nor the Patent Term Adjustment History on PAIR acknowledges the proper PTA.


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Moreover, the Patent Term Adjustment History on PAIR does not indicate that the Fourth Supplemental IDS was even filed.

The present patent is not subject to a Terminal Disclaimer.

In view of the above, applicants request reconsideration of the PTA calculation. The PTA should be three-hundred and forty-eight (348) days. The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 19-1345. However, in view of the fact that the Office made a mistake in calculating the correct PTA, applicants respectfully request that the fee in connection with this request be waived.

Respectfully submitted,



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RLB:JHC/mlt
*Enclosure

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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 10/022,328			
			Days
Filing or 371(c) Date:	12-14-2001	USPTO Delay (PTO):	444
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	49
Post-Issue Petitions (days):	+0	Total PTA:	395
USPTO Adjustment (days):	+0	Explanation of Calculations	

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Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
11-30-2004	Mail Notice of Allowance		
11-24-2004	Issue Revision Completed		
11-24-2004	Notice of Allowance Data Verification Completed		
11-24-2004	Notice of Allowability		
11-15-2004	Case Docketed to Examiner in GAU		
09-28-2004	Date Forwarded to Examiner		
09-10-2004	Response after Non-Final Action		
09-10-2004	Workflow incoming amendment IFW		
08-11-2004	Mail Non-Final Rejection		
08-09-2004	Non-Final Rejection		
11-28-2003	Information Disclosure Statement (IDS) Filed		
02-10-2004	Information Disclosure Statement (IDS) Filed		
07-16-2004	Information Disclosure Statement (IDS) Filed		49
07-09-2004	Date Forwarded to Examiner		↑
05-28-2004	Response to Election / Restriction Filed		↑
05-28-2004	Workflow incoming amendment IFW		
05-03-2004	Mail Restriction Requirement	444	
04-30-2004	Requirement for Restriction / Election	↑	
04-15-2004	IFW TSS Processing by Tech Center Complete	↑	
02-10-2004	Reference capture on IDS	↑	
11-28-2003	Reference capture on IDS	↑	

PAIR Page

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03-11-2002	Reference capture on IDS	↑	
03-26-2004	Case Docketed to Examiner in GAU	↑	
02-10-2004	Information Disclosure Statement (IDS) Filed	↑	
01-22-2004	Case Docketed to Examiner in GAU	↑	
11-28-2003	Information Disclosure Statement (IDS) Filed	↑	
09-17-2003	Case Docketed to Examiner in GAU	↑	
03-11-2002	Information Disclosure Statement (IDS) Filed	↑	
02-02-2002	Case Docketed to Examiner in GAU	↑	
01-22-2002	Application Dispatched from OIPE	↑	
01-16-2002	Application Is Now Complete	↑	
01-03-2002	IFW Scan & PACR Auto Security Review	↑	
12-14-2001	Initial Exam Team nn	↑	